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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/725,026

Applicant(s)

OHSHIMA, KEITA

Examiner

MARCUS T. RILEY

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2009.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
4a) Of the above claim(s) 2-4, 7-15, 18 and 22 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1, 5, 6, 16, 17, 19-21 & 23-28 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 02 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 12/27/2007; 06/23/2008
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. This office action is responsive to applicant's remarks received on March 02, 2009. **Claims 1-26** and newly added **claims 27 & 28** are pending. **Claims 2-4, 7-15, 18 & 22** have been cancelled.

Response to Arguments

2. Applicant's arguments with respect to amended **claims 1, 6, 17, 19, 21, 23, 25 & 26** filed on March 02, 2009 have been fully considered but they are not persuasive. **Claims 2-4, 7-15, 18 & 22** have been cancelled.

A: Applicant's Remarks

For Applicant's Remarks see "*Applicant Arguments/Remarks Made in an Amendment*" filed March 02, 2009.

A: Examiner's Response

Applicant argues that Takahashi '999 and Takahashi '245, whether taken alone or in combination, fail to disclose or suggest at least the features of a reception means for receiving a print job which includes a job ticket and a print document via the communication medium, the job ticket describing print instruction information for the print document and a designation means for designating one of a plurality of distribution printing modes including a first mode and

a second mode in response to a user instruction and a print control means that controls distribution printing in accordance with a designation executed by the designation means as featured in Claim 1.

Examiner understands the Applicant's arguments but respectfully disagree. Takahashi '999, Takahashi '245 or Hertling '034, whether taken alone or in combination teaches, discloses or suggests all of the features of Claim 1. In particular...

Takahashi '999 discloses a reception means for receiving a print job which includes a job ticket and a print document via the communication medium, the job ticket describing print instruction information for the print document. Figure 1 of Takahashi '999 discloses where the MFP's (Multi Functional Peripheral) 104 and 105 are connected to the network 101. Fig. 21 shows a screen example of a job ticket and shows a screen example of a printer driver where the print driver selects an MFP on the network that may receive a print instruction information for the print document.

Takahashi '999 also discloses designation means for designating one of a plurality of distribution printing modes including a first mode and a second mode in response to a user instruction. See Fig. 15, #1506, where a user may choose from a different modes for instructing an MFP to print a document.

Takahashi '245 at column 2, lines 16-26, discloses a print control means that controls distribution printing in accordance with a designation executed by the designation means. Here, Takahashi '245 discloses a control method for an image data processing method, an image forming apparatus and a control method for a controller, and a storage medium storing programs for executing the methods, wherein images are processed depending on printing attributes of the

image forming apparatus and printing jobs are distributed to a plurality of image forming apparatuses depending on the printing attributes.

Thus, Takahashi '999, Takahashi '245 or Hertling '034 whether taken alone or in combination, teaches, discloses or suggests the applicant's claimed invention. Accordingly, Examiner submits that Claim 1 is not in condition for allowance.

Claims 6, 7, 21, 25 and 26 are directed to a method of managing an apparatus, a system, a method of managing a system, a computer readable medium for an apparatus and a computer readable medium for a system, respectfully, substantially in accordance with Claim 1.

Accordingly, Examiner submits that Claims 6, 7, 21, 25 and 26 are also not in condition for allowance. The other pending claims in this application are each dependent from the independent claims discussed above and are therefore are not allowable for at least the same reasons. In view of the foregoing, Examiner submits that the application is not in condition for allowance.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 1, 6, 17, 20, 21 & 24 - 28** rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi (US 6,727,999 B1 hereinafter, Takahashi '999) in combination with Takahashi (US 6,985,245 B1 hereinafter, Takahashi '245).

Regarding claim 1; Takahashi '999 discloses a print managing apparatus which is connected to a plurality of printing apparatuses including a monochromatic printing apparatus via a communication medium, the print managing apparatus comprising (See Figure 1 where *"Further, MFP's (Multi Functional Peripheral) 104 and 105 are connected to the network 101. Numeral 104 is a color MFP capable of full color scanning, printing and the like. Numeral 105 is a black and white MFP, performing monochromatic scanning, printing and the like. In addition, although not shown, machines other than the above-mentioned MFP's such as scanners, printers, faxes or the like are connected to the network 101."* column 3, lines 9-16); See also (*"Moreover, the computers 102 and 103 have utility softwares which function by receiving the information such that the MFP's 104 and 105 can be managed by the computers 102 and 103."* column 3, lines 28-31):

reception means for receiving a print job which includes a job ticket and a print document via the communication medium, the job ticket describing print instruction information for the print document [See Fig. 21 where FIG. 21 is a view showing a screen example of a job ticket. See also Fig. 22 where FIG. 22 is a view showing a screen example of a printer driver where the print driver selects an MFP on the network that may receive a print instruction information for the print document (*"...using the printer driver tab as in FIG. 22, by selecting which apparatus to use among the color MFP's 104 or the black/white MFP's 105 hanging from the network 101, each apparatus can be instructed to print a specific part of the job."* column 15, lines 39-43):

the print instruction information including output layout information and color attribute information (See Figures 15, 16 & 22 wherein #1607 of Figure 16 shows an instruction to print a color page. Figure 22 shows the color attribute information for the color document and the output layout information. Fig. 15, #1506, shows where a user may choose and output mode for instructing an MFP to print a document *"Here, the job color mode column 1506 is capable of selecting one mode among automatic separation, manual separation, all color pages or all black/white pages. In the case of manual separation, for each page, the user can select from which MFP (color MFP 104 or black/white MFP 105) to discharge."* column 8, lines 50-55);).

designation means for designating one of a plurality of distribution printing modes including a first mode and a second mode in response to a user instruction (See Fig. 15, #1506, where a user may choose from a different modes for instructing an MFP to print a document *"Here, the job color mode column 1506 is*

capable of selecting one mode among automatic separation, manual separation, all color pages or all black/white pages. In the case of manual separation, for each page, the user can select from which MFP (color MFP 104 or black/white MFP 105) to discharge." column 8, lines 50-55);

reading means for reading the job ticket included in the print job received by said reception means (See Fig. 21 where FIG. 21 is a view showing a screen example of a job ticket. See also Fig. 22 where FIG. 22 has a job utility screen that may be read by computers 103 and 102. Fig. 22 is also a view showing a screen example of a printer driver where the print driver selects an MFP on the network that may receive a print instruction information for the print document ("*The utility software is a program which can be read by the computers 103 and 102 and is recorded on hard disks...*" column 14, line 59-60) ("*When pressing the OK key 21508 in a job ticket screen, a job utility screen as in FIG. 22 is displayed...*" column 15, line 12-13).

Takahashi '245 does not expressly disclose a print control means for controlling distribution printing in accordance with a designation executed by said designation means; wherein said print control means executes the distribution printing of the print document through the monochromatic printing apparatus and the color printing apparatus by determining output layout of the print document based on the output layout information included in the print instruction information described by the job ticket read by said reading means and by analyzing color drawing information of the print document in the first mode; and executes the distribution printing of the print document through the monochromatic printing apparatus and the color printing apparatus based on the output layout information and the color attribute information included in the print instruction information described by the job ticket read by said reading means in the second mode.

Takahashi '245 discloses print control means for controlling distribution printing in accordance with a designation executed by said designation means ("*It is another object of the present invention to provide an image processing apparatus and an image processing system and a control method therefor, an image*

data processing method, an image forming apparatus and a control method therefor, a controller, and a storage medium storing programs for executing the methods, wherein images are processed depending on printing attributes of the image forming apparatus and printing jobs are distributed to a plurality of image forming apparatuses depending on the printing attributes to enable a large amount of printing jobs to be efficiently carried out with low running costs..." column 2, lines 16-26); See also ("*...in this mode, printing data output from a single source of image data are distributed to a plurality of image forming apparatuses for printing.*), and transfers the printing job to the second NEC 112 or/and the exclusive I/F 113. In this case, the output device control section 1206 monitors a state of the output device or devices to obtain a device status. ..." column 19, lines 29-34);

wherein said print control means executes the distribution printing of the print document through the monochromatic printing apparatus and the color printing apparatus by determining output layout of the print document based on the output layout information included in the print instruction information described by the job ticket read by said reading means and by analyzing color drawing information of the print document in the first mode (See Figure 28 wherein the print document is distributed through the monochromatic printing apparatus MFP 105 and the color printing apparatus MFP 104. See Figure 22 wherein Fig. 22 shows a Job Ticket with output layout information. See Figure 29 wherein Step S2214 determines whether or not the entire printing job consists of color data. If the result of the determination is affirmative (Yes), the color RIP is executed (step S2216). "*The present image forming system, however, can execute cluster printing (a mode where printing data from a source of image data such as the document server 102, the client 103, or the scanner 106 are distributed to a plurality of image forming apparatuses for printing) where a plurality of output devices, that is, the MFP 104 or 105 or the printer 107 simultaneously print and output data based on a command from the document server 102. For example, of plural pages of printing data included in one group, color data can be printed and output by the color MFP 104, while black-and-white data can be printed and output by the monochrome MFP 105.*" column 25, lines 20-31);

and executes the distribution printing of the print document through the monochromatic printing apparatus and the color printing apparatus based on the output layout information and the color attribute information included in the print instruction information described by the job ticket read by said reading means in the second mode (See Figure 22 wherein Fig. 22 shows a Job Ticket with

output layout information. See Figure 19 wherein #s1506 shows the color attribute information. See also Figures 26 & 35 wherein Fig. 26 is a flow chart showing a process procedure of a method of processing image data and Fig. 35 is a schematic view showing the concept of a color page inserting process. *"When the result of the determination at the step S3205 is negative (No), the process proceeds to a step S3206 to determine whether or not the setting mode contained in the command data obtained from the printing requester such as the client 103 is a color page-corresponding paper inserting mode, based, for example, on the contents of the command data input by the user via the setting item section 1802 on the job ticket screen shown in FIG. 22 or via another section. If the result of the determination is negative (No), the process of the present program is immediately terminated. On the other hand, if the result of the determination at the step S3206 is affirmative (Yes), the color page-corresponding paper inserting mode is executed. That is, the printing job with color data and black-and-white data mixed therein is split into the color data and the black-and-white data, and the color data are printed and output by the output device capable of outputting color output data, while as many sheets of recording paper as the color pages are output from the monochrome output device."* column 27, lines 54-67 thru column 28, lines 1-5).

Takahashi '999 and Takahashi '245 are combinable because they are from same field of endeavor of network printer systems (*"To attain the above objects, in a first aspect of the present invention, there is provided an image processing apparatus which selects at least one image forming apparatus from a plurality of image forming apparatuses including at least two types of image forming apparatuses having different printing attributes..."* Takahashi '245 at column 3, lines 30-36).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify the printer system as taught by Takahashi '999 by adding a print control means for controlling distribution printing in accordance with a designation executed by said designation means; wherein said print control means executes the distribution printing of the print document through the monochromatic printing apparatus and the color printing apparatus by determining output layout of the print document based on the output layout information included in the print instruction information described by the job ticket read by said reading means and by analyzing color drawing information of the print document in the first mode; and executes the distribution printing of the print document through the monochromatic printing

apparatus and the color printing apparatus based on the output layout information and the color attribute information included in the print instruction information described by the job ticket read by said reading means in the second mode as taught by Takahashi '245. The motivation for doing so would have been because it is advantageous to prevent inconveniences such as complicated operations required of an operator, generate desired data for the operator, and allow the operator to work more efficiently ("...it is desirable to prevent inconveniences such as complicated operations required of an operator, generate desired data for the operator, and allow the operator to work more efficiently." Takahashi '245 at column 5, lines 1-2). Therefore, it would have been obvious to combine Takahashi '999 with Takahashi '245 to obtain the invention as specified in claim 1.

Regarding claim 6, 17 & 21; Independent claims 6, 17 & 21 contains substantially similar features as that of independent claim 1. Thus, claim 6, 17 & 21 are rejected on the same grounds as independent claim 1.

Regarding claim 25 & 26; Independent claims 25 & 26 contains substantially similar features as that of independent claim 1. Thus, claim 25 & 26 are rejected on the same ground as independent claim 1. The only difference is that claims 25 & 26 disclose a computer-readable medium storing a computer program for a print managing method and apparatus. Takahashi '999 discloses this feature at column 18, lines 12-22 ("It is evident that realization can be achieved by supplying to either the system or the apparatus, the storage medium on which the program code of the software which realizes functions in the above-mentioned embodiment (for example, processing shown in flow charts of FIGS. 16 and 24, related processing, job separation processing, job mixing processing, addition information add-on processing for sheets, guidance display processing for user and the like) is recorded, and the computer (or CPU or MPU) of the system or the apparatus reads and executes the program stored inside the storage media.").

Regarding claim 20; Takahashi '999 as modified does not expressly disclose wherein the job ticket is reusable, and at least one of output layout information, additional information and monochromatic/color information included in the print instruction information described by the job ticket is changed to reuse the job ticket.

Takahashi '245 discloses wherein the job ticket is reusable, and at least one of output layout information, additional information and monochromatic/color information included in the print instruction information described by the job ticket is changed to reuse the job ticket (*"The user checks the setting contents and if they are correct, operates an OK key 1804 to transmit the printing job (including command data indicative of commands input by the user via the operation screens shown in FIGS. 20, 21, 22, and other figures, image data to be printed, and other data) directly to the document server 102. On receiving the printing job, the document server 102 controls the MFPs 104 and 105 to perform operations based on the commands from the user. To cancel the setting contents of the job ticket, the user can operate the cancel key 1805 to stop or suspend the process. The user can also make various settings for clustering, described later, as well as other settings (including various operation modes described later with reference to FIGS. 27, 28, 33, 35, 36, and other figures), using operation screens such as those shown in FIGS. 20, 21, and 22."* column 23, lines 53-67).

Takahashi '999 and Takahashi '245 are combinable because they are from same field of endeavor of network printer systems (*"To attain the above objects, in a first aspect of the present invention, there is provided an image processing apparatus which selects at least one image forming apparatus from a plurality of image forming apparatuses including at least two types of image forming apparatuses having different printing attributes..."* Takahashi '245 at column 3, lines 30-36).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify the printer system as taught by Takahashi '999 by adding wherein the job ticket is reusable, and at least one of output layout information, additional information and monochromatic/color information included in the print instruction information described by the job ticket is changed to reuse the job ticket as taught by Takahashi '245. The motivation for

doing so would have been because it is advantageous to prevent inconveniences such as complicated operations required of an operator, generate desired data for the operator, and allow the operator to work more efficiently ("*...it is desirable to prevent inconveniences such as complicated operations required of an operator, generate desired data for the operator, and allow the operator to work more efficiently.*" Takahashi '245 at column 5, lines 1-2). Therefore, it would have been obvious to combine Takahashi '999 and Takahashi '245 to obtain the invention as specified in claim 17.

Regarding claim 24, 27 & 28; Claims 24, 27 & 28 contains substantially similar features as that of claim 20. Thus, claims 24, 27 & 28 are rejected on the same grounds as independent claim 20.

5. **Claims 5, 16, 19 & 23** are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi '999 and Takahashi '245 as applied to claim 1 above, and further in view of Hertling (US 6,874,034 B1 hereinafter, Hertling, '034).

Regarding claim 5; Takahashi '999 and Takahashi '245 does not expressly disclose wherein the print instruction information described by the job ticket is described by a markup language.

Hertling '034 discloses wherein the print instruction information described by the job ticket is described by a markup language ("*Turning now to FIGS. 6 and 7, the print job ticket processing logic 500 will be described in greater detail. Starting at block 502, the print job ticket processing logic 500 receives a print job ticket 303. Next, the print job ticket 303 is parsed, or decoded, in block 504 to determine the content of the print job ticket 303. As is known in the art, the print job ticket 303 can contain a plurality of fields. Each field respectively contains data readable by the queue server 109. The data can be in a suitable format, such as extensible markup language (XML) or simply a binary word that represents an item of information related to the print job. The print job ticket processing logic 500 is programmed to identify the data contained in each.*" column 9, lines 62-67 thru column 10, lines 1-7).

Takahashi '999 and Takahashi '245 are combinable with Hertling '034 because they are from same field of endeavor of network printer systems (*"The present invention is generally related to the field of network printing and, more particularly, is related to a system and method for network printing using a peer hybrid printing protocol."* Hertling '034 at column 1, lines 5-8).

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to modify the printer system as taught by Takahashi '999 and Takahashi '245 by adding wherein the print instruction information described by the job ticket is described by a markup language as taught by Hertling '034. The motivation for doing so would have been because it is advantageous for the reason that the peer-to-peer approach does not facilitate centralized printer control, queuing or prioritizing print jobs, tracking printer or job statistics, and the like (*"When the print server is ready to receive data, the operating system in the client transmits the print job to the print server. The print server then applies the print job to the printer for printing. Although, the peer-to-peer printing approach only requires the entire document to be transmitted on the network once, the peer-to-peer approach does not facilitate centralized printer control, queuing or prioritizing print jobs, tracking printer or job statistics, and the like."* Hertling '034 at column 2, lines 7-14). Therefore, it would have been obvious to combine Takahashi '999 and Takahashi '245 with Hertling '034 to obtain the invention as specified in claim 1.

Regarding claim 16; Claim 16 contains substantially similar features as that of claim 5. Thus, claim 16 is rejected on the same grounds as claim 5.

Regarding claim 19; Hertling '034 discloses further comprising a print client, wherein the print client transmits the print job to the print managing apparatus (*"The client 106 then generates a print job ticket 303 that includes the address of the client 106 on the network 103, the name or identification of the full print job, and any other pertinent information such as the number of pages to be printed, etc. The client 106 then transmits the print job*

ticket 303 to the queue server 109. The queue server 109 places the print job ticket 303 in a printing queue maintained in the queue server 109. The queue server 109 then transmits a printer polling message 304 to the print server 113 to determine if the printer 116 is available to print a document. The print server 113 responds with the printer response message 306 that informs the queue server 109 that the printer 116 is busy printing or is available. If the printer 116 is occupied with another print job, the queue server 109 waits for a period of time and then retransmits the printer polling message 304. If the printer 116 is available, the queue server 109 then transmits the print job ticket 303 to the print server 113." column 5, lines 24-41).

Regarding claim 23; Claim 23 contains substantially similar features as that of claim 19. Thus, claim 23 is rejected on the same grounds as claim 19.

Examiner Notes

6. The Examiner cites particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that, in preparing responses, the applicant fully considers the references in its entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or as disclosed by the Examiner.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARCUS T. RILEY whose telephone number is (571)270-1581. The examiner can normally be reached on Monday - Friday, 7:30-5:00, est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David K. Moore can be reached on 571-272-7437. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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